

1 KEITH E. EGGLETON, State Bar No.159842
2 RODNEY G. STRICKLAND, State Bar No. 161934
3 JONI L. OSTLER, State Bar No. 230009
4 L. DAVID NEFOUSE, State Bar No. 243417
5 WILSON SONSINI GOODRICH & ROSATI
6 Professional Corporation
7 650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100
Email: keggleton@wsgr.com
Email: rstrickland@wsgr.com
Email: jostler@wsgr.com
Email: dnefouse@wsgr.com

9 Attorneys for Defendants
10 BIGBAND NETWORKS, INC., AMIR BASSAN-
11 ESKENAZI, FREDERICK A. BALL, RAN OZ,
12 LLOYD CARNEY, DEAN GILBERT, KENNETH
A. GOLDMAN, GAL ISRAELY, BRUCE I.
SACHS, ROBERT J. SACHS and GEOFFREY Y.
YANG

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

1 Before the Court is the Motion to Dismiss Lead Plaintiff's ("Plaintiff") Consolidated
2 Class Action Complaint ("Complaint") filed by defendants BigBand Networks, Inc.
3 ("BigBand"), Amir Bassan-Eskanazi, Frederick A. Ball, Ran Oz, Lloyd Carney, Dean Gilbert,
4 Kenneth A. Goldman, Gal Israely, Bruce I. Sachs, Robert J. Sachs and Geoffrey Y. Yang
5 (collectively with BigBand, the "BitgBand Defendants"). Having considered the arguments
6 presented by the parties, the Court hereby finds as follows:

7 The BigBand Defendants' Motion to Dismiss is GRANTED. Plaintiff's Complaint fails
8 to adequately plead a claim in accordance with the pleading standards under Fed. R. Civ. P. 8(a).
9 See *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1964-65 (2007); *Belodoff v. Netlist, Inc.*,
10 2008 WL 2356699, **8-11 (C.D. Cal. May 30, 2008). Plaintiff's Complaint must also meet the
11 heightened pleading requirements of Fed. R. Civ. P. 9(b) because his allegations sound in fraud.
12 See *In re Stac Elecs. Sec. Litig.*, 89 F.3d 1399, 1404-05 (9th Cir. 1996). The Complaint fails to
13 provide the factual details required by Fed. R. Civ. P. 9(b). *Id.* at 1402-05.

14 For the foregoing reasons, the BigBand Defendants' Motion to Dismiss is GRANTED.

15 IT IS SO ORDERED.

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Dated: _____

18 HON. SAUNDRA BROWN ARMSTRONG
19 UNITED STATES DISTRICT JUDGE

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